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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,194	02/02/2001	Ronald Bruce Martin	14-11	2383
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LUCENT TECHNOLOGIES INC. DOCKET ADMINISTRATOR 101 CRAWFORDS CORNER ROAD - ROOM 3J-219 HOLMDEL, NJ 07733				
			EXAMINER HASHEM, LISA	
			ART UNIT 2645	PAPER NUMBER 6

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,194

Applicant(s)

MARTIN ET AL.

Examiner

Lisa Hashem

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-28 are pending in this office action.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 4, is attached to the instant office action.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on June 2, 2001 have been accepted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 9-19, and 24-28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,987,100 by Fortman et al.

Regarding claim 1, Fortman et al disclose a method for leaving a multimedia mail message in a wireless multimedia mailbox (column 1, lines 1-5; Figure 2, 230) associated with a wireless phone (Figure 2: 218; column 3, lines 50-55) without, inherently, ringing the wireless phone (column 6, lines 61-66), the method comprising: receiving a call request at a call processing control entity or service provider (column 7, lines 5-7), the call request being a request for direct access to the wireless multimedia mailbox associated with the wireless phone

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(column 7, lines 5-13); and directing the call request to the wireless multimedia mailbox without, inherently, ringing the wireless phone (column 6, line 66).

Regarding claim 2, a method for leaving a multimedia mail message in a wireless multimedia mailbox associated with a wireless phone without, inherently, ringing the wireless phone in accordance with claim 1 mentioned above, wherein Fortman et al further disclose the step of determining whether the wireless phone has subscribed to direct multimedia mail service (column 3, lines 38-48).

Regarding claim 3, a method for leaving a multimedia mail message in a wireless multimedia mailbox associated with a wireless phone without, inherently, ringing the wireless phone in accordance with claim 2 mentioned above, wherein Fortman et al further disclose the establishing a bearer path between the calling phone and the wireless phone (column 6, lines 61-67).

Regarding claim 4, a method for leaving a multimedia mail message in a wireless multimedia mailbox associated with a wireless phone without, inherently, ringing the wireless phone in accordance with claim 2 mentioned above, wherein Fortman et al further disclose inherently sending the call request to the wireless phone if the wireless phone has not subscribed to direct multimedia mail service; wherein this is the same situation that would occur if an un-subscribed caller received a response from a subscriber (column 8, lines: 37-38, 48-51, and 63-67).

Regarding claim 5, a method for leaving a multimedia mail message in a wireless multimedia mailbox associated with a wireless phone without, inherently, ringing the wireless phone in accordance with claim 4 mentioned above, wherein Fortman et al further disclose the

step of directing the call request to the wireless multimedia mailbox if the wireless phone does not answer the call request; the message is stored as pending in the mailbox (column 5, lines 34-41).

Regarding claim 9, Fortman et al disclose a method for providing direction of calls to a multimedia mailbox (column 1, lines 1-5; Figure 2, 230) of a wireless phone (Figure 2: 218; column 3, lines 50-55) without, inherently, ringing the wireless phone (column 6, lines 61-66), the method comprising: inherently, registering the wireless phone for direct multimedia mail service (column 3, lines 38-42), the direct multimedia mail service allowing calls to go directly to the multimedia mailbox associated with the wireless phone (column 6, lines 66); receiving a direct multimedia mail request for the wireless phone, the direct multimedia mail request being a request to go directly to the multimedia mailbox of the wireless phone without, inherently, first ringing the wireless phone; and directing the call request to the multimedia mailbox associated with the wireless unit without, inherently, ringing the wireless unit (column 7, lines 5-13).

Regarding claim 10, a method for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, ringing the wireless phone in accordance with claim 9 mentioned above, wherein Fortman et al further disclose determining whether the wireless phone has subscribed to direct multimedia mail service (column 3, lines 38-48).

Regarding claim 11, a method for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, ringing the wireless phone in accordance with claim 10 mentioned above, wherein Fortman et al further disclose establishing a bearer path between the calling phone and the wireless phone (column 6, lines 61-67).

Regarding claim 12, a method for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, ringing the wireless phone in accordance with claim 10 mentioned above, wherein see the rejection to the method in claim 4 above to reject the method in claim 12.

Regarding claim 13, a method for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, ringing the wireless phone in accordance with claim 12 mentioned above, wherein see the rejection to the method in claim 5 above to reject the method in claim 13.

Regarding claim 14, Fortman et al disclose a communication system for providing direction of calls to a multimedia mailbox (column 1, lines 1-5; Figure 2, 230) of a wireless phone or PCS mobile phone (Figure 2: 218; column 3, lines 50-55) without, inherently, ringing the wireless phone (column 6, lines 61-66), the communication system comprising: a call processing control entity or service provider (Figure 3, 320) for inherently registering the wireless phone for direct multimedia mail service (column 3, lines 38-42), the direct multimedia mail service allowing calls to go directly to the multimedia mailbox associated with the wireless phone (column 6, lines 66); a subscriber database coupled to the call processing control entity (Figure 3, 320) via the subscriber mailbox (Figure 3, 330) for inherently storing the registration for direct multimedia mail service of the wireless phone (column 4, lines 16-21; column 5, lines 42-45); a multimedia mail system (as shown in Figure 3) inherently coupled to the call processing control entity (column 4, lines 16-21); and a base station (column 3, lines 50-55; column 4, lines 4-6), inherently coupled to the call processing control entity via the interface (Figure 3, 310) for receiving a direct multimedia mail request for the wireless phone, the direct

multimedia mail request being a request to go directly to the multimedia mailbox of the wireless phone without, inherently, first ringing the wireless phone (column 6, line 66).

Regarding claim 15, a communication system for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, ringing the wireless phone in accordance with claim 14 mentioned above, wherein the base station inherently directs the direct multimedia mail request to call processing control entity via the interface (Figure 3, 310), wherein the direct multimedia mail request comes from a calling party or caller (column 6, lines 61-63), and wherein the calling party is directed to the multimedia mailbox of the wireless phone without, inherently, ringing the wireless phone (column 6, line 66).

Regarding claim 16, a communication system for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, ringing the wireless phone in accordance with claim 14 mentioned above, wherein the call processing control entity or service provider may inherently be a Mobile Switching Center (MSC) and the wireless phone is a PCS mobile phone (Figure 2, 218; column 3, lines 52-55; column 4, lines 43-46).

Regarding claim 17, a communication system for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, ringing the wireless phone in accordance with claim 16 mentioned above, wherein the MSC inherently includes an interface (Figure 3, 310) which may inherently be a Service Circuit (SVC), which receives the message from the caller and forwards it to the service provider or MSC (column 7, lines 5-7).

Regarding claim 18, a communication system for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, ringing the wireless phone in accordance with claim 14 mentioned above, wherein the subscriber database is inherently a

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Home Location Register/Visitor Location Register (HLR/VLR), since the wireless phone is a PCS mobile phone (Figure 2, 218). A HLR/VLR is inherent in a mobile wireless system that includes a MSC, SVC, base station, and mobile phone.

Regarding claim 19, a communication system for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, ringing the wireless phone in accordance with claim 14 mentioned above, the communication system further comprising a Public Switched Telephone Network (PSTN) coupled to the call processing control entity or service provider via the interface (see Figure 3) for providing communication with landline users (column 4, lines 7-10; Figure 2, PTN).

Regarding claim 24, Fortman et al disclose a call processing control entity or service provider (Figure 3, 320), for providing direction of calls to a multimedia mailbox (column 1, lines 1-5; Figure 2, 230) of a wireless phone (Figure 2: 218; column 3, lines 50-55) without, inherently, ringing the wireless phone (column 6, lines 61-66), the call processing control entity inherently comprising: a processor for inherently registering a wireless phone for direct multimedia mail service (column 3, lines 38-42), the direct multimedia mail service allowing calls to go directly to the multimedia mailbox associated with the wireless phone (column 6, lines 66); an input port for receiving a direct multimedia mail request for the wireless phone (Figure 3, 310), the direct multimedia mail request being a request to go directly to the multimedia mailbox of the wireless phone without, inherently, first ringing the wireless phone (column 6, lines 61-66); and an output port for directing the call request to the multimedia mailbox of the wireless unit without, inherently, ringing the wireless unit (Figure 3, 320; column 7, lines 10-13).

Regarding claim 25, a call processing control entity in accordance with claim 24 mentioned above, wherein Fortman et al further disclose the processor inherently determines whether the wireless phone has subscribed to direct multimedia mail service (column 3, lines 38-42).

Regarding claim 26, a call processing control entity in accordance with claim 25 mentioned above, wherein Fortman et al further disclose the processor inherently establishes a bearer path between the calling phone and the wireless phone (column 6, lines 61-67).

Regarding claim 27, a call processing control entity in accordance with claim 25 mentioned above, wherein Fortman et al further disclose the processor inherently sends the call request to the wireless phone if the wireless phone has disabled the direct multimedia mail service, please see the rejection to the method of claim 12 above to reject the call processing control entity of claim 26.

Regarding claim 28, a call processing control entity in accordance with claim 27 mentioned above, wherein Fortman et al further disclose the processor inherently directs the call request to the multimedia mailbox if the wireless phones does not answer the call request, please see the rejection to the method of claim 13 above to reject the call processing control entity of claim 27.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,987,100 by Fortman et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,070,078 by Camp Jr., et al (hereinafter, Camp).

Regarding claims 6-7, a method for leaving a multimedia mail message in a wireless multimedia mailbox associated with a wireless phone without, inherently, ringing the wireless phone in accordance with claim 1, wherein Fortman et al differ from the claimed invention because Fortman et al do not teach: the step of locating the wireless phone, the step of locating the wireless phone comprises sending a query message to a subscriber database, and a wireless subscriber database responds to the query message with the last known location of the wireless phone.

Nguyen teaches a method and system of completing calls to busy mobile subscribers in a radio telecommunications network. Nguyen further discloses locating the wireless phone (column 8, lines 6-11), the step of inherently locating the wireless phone by sending a query message to a subscriber database or home location register (HLR) (column 8, lines 48-51; column 9, lines 25-27), and a wireless subscriber database inherently responds to the query message with the last known location of the wireless phone (column 8, lines: 50-51).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the method of Fortman et al to include the step of locating the wireless phone, the step of locating the wireless phone comprises sending a query message to a subscriber database, and a wireless subscriber database responds to the query message with the last known location of the wireless phone as taught by Nguyen to determine the location of the wireless phone. One of ordinary skill in the art would have been lead to make such a modification since sending a query message to the HLR and the response of the HLR would help in locating and identifying the status of the wireless phone.

7. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,987,100 by Fortman et al as applied to claim 14 above, and further in view of U.S. Patent Application No. US 2001/0031635 by Bharatia.

Regarding claims 20-23, a communication system for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, ringing the wireless phone in accordance with claim 14 mentioned above, wherein Fortman et al differ from the claimed invention because Fortman et al do not teach: (a) the call processing control entity is a Call Session Control Function (CSCF), (b) the CSCF includes a Multimedia Resource Function (MRF), (c) the MRF determines the intention of a calling party and sends a message to the CSCF, the message instructing the CSCF to perform specified functionality based upon the intention of the calling party, and (d) the subscriber database is a Home Subscriber Server (HSS).

Bharatia discloses a method for supporting operation of a mobile terminal having a subscription in a Third Generation or 3G wireless network within a Second Generation or 2G wireless network. When the 3G mobile terminal roams into the service area of the legacy

network, the mobile terminal sends an attach request to a support node of the legacy wireless network. The legacy wireless network then authenticates the mobile terminal (see Abstract).

Bharatia further discloses a call processing control entity or CSCF that acts as a first entry point to the system and performs routing of incoming calls, call screening, call forwarding, and interacts with other system components to perform query address handling operations (page 4, column 1, section 0076, lines 1-11). The CSCF includes a MRF in order to support multiparty and other services (page 4, column 1, section 0077, lines 1-4). The MRF determines the intention of a calling party and sends a message to the CSCF, the message instructing the CSCF to perform specified functionality based upon the intention of the calling party (page 5, section 0089, lines 1-9). The subscriber database is a Home Subscriber Server (HSS) (page 4, column 2, section 0080, line 1 – page 4, column 2, section 0083, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fortman et al to include: (a) the call processing control entity is a Call Session Control Function (CSCF), (b) the CSCF includes a Multimedia Resource Function (MRF), (c) the MRF determines the intention of a calling party and sends a message to the CSCF, the message instructing the CSCF to perform specified functionality based upon the intention of the calling party, and (d) the subscriber database is a Home Subscriber Server (HSS), as taught by Bharatia to describe a 3G wireless system in accordance with the invention. One of ordinary skill in the art would have been lead to make such a modification since a 3G wireless system which includes the components mentioned above can be utilized in a communication system for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, ringing the wireless phone.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 5,467,388 by Redd, Jr. et al teach a method for leaving a voice mail message in a mailbox associated with a landline phone without, inherently, ringing said phone, depending on who the calling party is

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh
November 18, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', with a stylized flourish at the end.